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SUBJECT: SERBIA: NEIGHBORS' KOSOVO RECOGNITION UNDERMINES ICJ

"VICTORY"

Summary

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**¶1.** (SBU) The Government of Serbia reacted strongly to the coordinated announcements late on October 9 by neighbors Montenegro and Macedonia to recognize Kosovo, declaring the Montenegrin and Macedonian ambassadors personae non gratae. The new recognitions, coming the day after the UN General Assembly voted in favor of Serbia's proposal to refer the legality of Kosovo's independence to the International Court of Justice (ICJ), tempered Serbian satisfaction with that outcome and provoked renewed criticism by the opposition of government strategy. Given that the ICJ case will continue to preoccupy Serbian diplomacy, it is encouraging that the GOS also recognized the need to look and move forward toward Europe, as demonstrated by its decision at the October 9 government session to return its ambassadors to the United States and other non-EU countries that have recognized Kosovo. End Summary.

Long-Awaited "Great Diplomatic Victory"

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**¶2.** (SBU) Serbian press, politicians, and commentators broadly characterized the UNGA vote as a triumph of diplomacy, a victory for David against Goliath, and proof that Serbia has moved beyond the times when it settled scores on the battlefield.

**¶3.** (U) In their public statements, President Tadic and Foreign Minister Jermic praised the decision as affirmation of the primacy of international law, while stressing that much work remains. In remarks in New York after the vote, Jeremic expressed confidence that the ICJ would find in Serbia's favor, which he expected would lead to new negotiations about the status of Kosovo. Tadic referred to the upcoming ICJ process as a marathon but limited his comments on future steps to re-emphasizing explicitly that Serbia would never accept Kosovo's independence.

**¶4.** (SBU) DCM coincidentally was meeting with MFA Political Director Boris Stefanovic, who had a different reaction when the news came over his cell phone. Adding up the numbers, he saw that those who did not vote yes (nays, abstentions and no-shows) clearly outnumbered the yes vote. In response to DCM's remark that the Serbs had "lost," he said, "yes, when you leave I'll go join my colleagues who already are crying." When asked how the GOS planned to prepare for the ensuing ICJ process, he stared back blankly. DCM warned him to be prepared for reminding the people of Serbia of the dark days of Milosevic as the ICJ case progressed.

**¶5.** (U) In one of the more interesting reactions to the ICJ referral, opposition leader Tomislav Nikolic, who recently left the Serbian Radical Party (SRS) to form his own Serbian Progressive Party (SNS), welcomed an ICJ opinion on the legality of Kosovo's declaration of independence, while warning of potential danger: "In that court, there is a danger that the issue of the absolute endangerment of all human rights, which allegedly was the case with the Albanians in Serbia's territory, might be raised. There is a practice, which is

applied in the world, that if people have no rights in a particular country, then they have the right to break away and create their own state."

#### Reaction to Recognitions

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**¶6.** (SBU) The decision by Montenegro and Macedonia to recognize Kosovo provoked a swift and emotional Serbian response which diverted attention from the ICJ outcome. The reaction to Montenegro's decision, foreshadowed by Foreign Minister Jeremic's comments before the UN vote that recognition by Podgorica would be a "stab in the back," far surpassed in rhetoric the response to the decision by Macedonia.

**¶7.** (U) Jeremic, in announcing the decision to expel Montenegrin Ambassador Anka Vojvodic, characterized the move as an adequate and rational response, given that countries of the region bear particular responsibility for preservation of peace and stability in the Balkans. Jeremic told B-92 that it was done because "the decision of the regime in Podgorica came after the vote at the General Assembly" and therefore was an attempt to prejudice the ICJ verdict. President Tadic expressed confidence that the majority of Montenegrin citizens did not support their government's decision and criticized the alleged political pressure under which the decision was taken.

**¶8.** (SBU) The British Ambassador told us on October 10 that he viewed the decision to expel the Montenegrin Ambassador as bullying and not consistent with the terms of the Stabilization and Association Agreement (SAA). He expected that London would react strongly.

**¶9.** (U) Political parties of all persuasions decried the latest

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recognitions of Kosovo, while reserving particularly harsh words for Montenegro. Deputy Head of the SRS Dragan Todorovic called the authorities in Podgorica traitors carrying out orders as a U.S. colony, while New Serbia (NS) MP Miroslav Markicevic said that the decision was the most disgraceful act in the history of Montenegro. Members of the pro-European ruling coalition, such as G17 Plus caucus head Suzana Grubjesic and Socialist Party of Serbia (SPS) caucus head Branko Ruzic, also criticized the decision. In contrast, Liberal Democratic Party (LDP) head Cedomir Jovanovic called the decision to expel the Montenegrin Ambassador counterproductive and a threat to Serbia's efforts to integrate into Europe.

**¶10.** (U) The opposition and MPs from United Serbia (JS), part of the ruling coalition, called on October 10 for a special session of parliament at which government representatives would explain how the GOS would respond to the recognitions. JS head Dragan Markovic Palma proposed declaring Montenegrin President Filip Vujanovic and Prime Minister Milo Djukanovic personae non gratae and freezing economic ties. Both former PM Vojislav Kostunica and former Kosovo Minister Slobodan Samardzic of the Democratic Party of Serbia (DSS) claimed that the timing of the recognitions immediately after the UNGA vote demonstrated the ineffectiveness of the GOS approach, and called on the government to sue individual states that recognized Kosovo.

**¶11.** (U) Reaction to the Macedonian recognition was muted in comparison, with virtually no commentary in the press. Serbian Ambassador to Skopje Zoran Popovic presented the Macedonian MFA with a diplomatic note protesting the decision and shortly thereafter the GOS declared Macedonian Ambassador Aleksandar Vasilevski persona non grata.

#### Ambassadors to Return

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**¶12.** (SBU) In the buildup to the ICJ vote, the GOS told us repeatedly that an UNGA referral of its proposal to the ICJ would allow it to carry out a series of steps, including normalizing diplomatic relations with the non-EU states that recognized Kosovo, engaging in talks with Pristina on non-status related matters, and cooperating

on the deployment of the EU Rule of Law (EULEX) mission.

¶13. (SBU) At its first session following the ICJ vote, the government decided on October 9 to return its ambassadors to non-EU countries that had recognized Kosovo. (Ambassadors were returned to EU countries and Norway in July.) Justice Minister Snezana Malovic told us on October 10 that this decision also will allow cooperation with diplomatic missions in Belgrade to resume.

¶14. (U) The decision provoked a sharp reaction from the SRS, which criticized the government for returning the ambassadors on the same day that Macedonia and Montenegro recognized Kosovo. Stating that government policy amounts to "throwing dust in the eyes of citizens," the SRS called for the U.S. and British Ambassadors to be declared personae non gratae as well.

Comment

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¶15. (SBU) Given the nature of relations between Serbia and its neighbors, in particular its deep emotional and historical attachment to Montenegro, the strength of the reaction to the latest recognitions of Kosovo was not unexpected. Belgrade is particularly incensed at the timing, as it undercuts its argument that the start of an ICJ review process would freeze recognitions. The late-breaking news of the Nobel Prize for Peace going to Ahtisaari will also be sure to tamp down feelings of victory in the Jeremic camp. It is encouraging that, despite the tension, the GOS has delivered on one of its promises to look forward by restoring relations with the United States and other countries. This first step must be followed by other more substantial moves on issues such as EULEX if Serbia truly is to move closer to the EU. End Comment.

MUNTER